HOUSE BILL NO. 4964

June 03, 2021, Introduced by Reps. Rendon, Borton, Markkanen, Reilly, Carra, Maddock, Wozniak, Griffin, Paquette and Eisen and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending section 795 (MCL 168.795), as amended by 2018 PA 127.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 795. (1) An electronic voting system acquired or used

2 under sections 794 to 799a must meet all of the following

3 requirements:

4 (a) Provide for voting in secrecy, except in the case of

5 voters who receive assistance as provided by this act.

1   (b) Utilize a paper ballot for tabulating purposes.

2   (c) Permit each elector to vote at an election for all ~~persons~~

3   **individuals** and offices for whom and for which the elector is

4   lawfully entitled to vote; to vote for as many ~~persons~~ **individuals**

5   for an office as the elector is entitled to vote for; and to vote

6   for or against any question upon which the elector is entitled to

7   vote. Except as otherwise provided in this subdivision, the

8   electronic tabulating equipment must reject all choices recorded on

9   the elector's ballot for an office or a question if the number of

10   choices exceeds the number that the elector is entitled to vote for

11   on that office or question. Electronic tabulating equipment that

12   can detect that the choices recorded on an elector's ballot for an

13   office or a question exceeds the number that the elector is

14   entitled to vote for on that office or question must be located at

15   each polling place and programmed to reject a ballot containing

16   that type of an error. If a choice on a ballot is rejected as

17   provided in this subdivision, an elector must be given the

18   opportunity to have that ballot considered a spoiled ballot and to

19   vote another ballot.

20   (d) Permit an elector, at a presidential election, by a single

21   selection to vote for the candidates of a party for ~~president,~~

22   ~~vice-president,~~ **President, Vice President**, and presidential

23   electors.

24   (e) Permit an elector in a primary election to vote for the

25   candidates in the party primary of the elector's choice. Except as

26   otherwise provided in this subdivision, the electronic tabulating

27   equipment must reject each ballot on which votes are cast for

28   candidates of more than 1 political party. Electronic tabulating

29   equipment that can detect that the elector has voted for candidates

1 of more than 1 political party must be located at each polling

2 place and programmed to reject a ballot containing that type of an

3 error. If a choice on a ballot is rejected as provided in this

4 subdivision, an elector must be given the opportunity to have that

5 ballot considered a spoiled ballot and to vote another ballot.

6   (f) Prevent an elector from voting for the same ~~person~~

7 **individual** more than once for the same office.

8   (g) Reject a ballot on which no valid vote is cast. Electronic

9 tabulating equipment must be programmed to reject a ballot on which

10 no valid vote is cast.

11   (h) Be suitably designed for the purpose used; be durably

12 constructed; and be designed to provide for safety, accuracy, and

13 efficiency.

14   (i) Be designed to accommodate the needs of an elderly voter

15 or ~~a person~~ **an individual** with 1 or more disabilities.

16   (j) Record correctly and count accurately each vote properly

17 cast.

18   (k) Provide an audit trail.

19   (*l*) Provide an acceptable method for an elector to vote for ~~a~~

20 ~~person~~ **an individual** whose name does not appear on the ballot.

21   (m) Allow for accumulation of vote totals from the precincts

22 in the jurisdiction. ~~The~~ **Subject to subdivision (o), the**

23 accumulation software must meet specifications prescribed by the

24 secretary of state and must be certified by the secretary of state

25 as meeting these specifications.

26   (n) Be compatible with or include at least 1 voting device

27 that is accessible for an individual with disabilities to vote in a

28 manner that provides the same opportunity for access and

29 participation, including secrecy and independence, as provided for

1 other voters. The voting device must include nonvisual

2 accessibility for the blind and visually impaired.

3   **(o) Be incapable of being connected to or operated on the**

4 **internet.**

5   (2) Electronic tabulating equipment that counts votes at the

6 precinct before the close of the polls must provide a method for

7 rendering the equipment inoperable if vote totals are revealed

8 before the close of the polls. Electronic tabulating equipment that

9 tabulates ballots, including absentee ballots, at a central

10 location must be programmed to reject a ballot if the choices

11 recorded on an elector's ballot for an office or a question exceed

12 the number that the elector is entitled to vote for on that office

13 or question, if no valid choices are recorded on an elector's

14 ballot, or if, in a primary election, votes are recorded for

15 candidates of more than 1 political party.

16   (3) Each jurisdiction in this state conducting an election

17 shall equip each polling place with at least 1 accessible voting

18 device as required under subsection (1)(n).